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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,803		Ewen A. Campbell	1200317 N	8902
35227	7590	09/22/2006	EXAMINER	
POLYONE CORPORATION 33587 WALKER ROAD AVON LAKE, OH 44012			SZEKELY, PETER A	
			ART UNIT	PAPER NUMBER

1714

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/560,803	Applicant(s) CAMPBELL, EWEN A.	
	Examiner Peter Szekely	Art Unit 1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/6/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1 and 18-20 are objected to because of the following: In claim 1, line 3, and claim 20, line 6, "flame-retardant" is misspelled. In claims 18-20 films or sheets laminated to a water-based adhesives are mentioned. Films and sheets are not laminated to an adhesive. Films and sheets are laminated to another article with or using an adhesive. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 4-12 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukui et al. 5,091,462, Ebrahimian et al. 6,492,453, Fukutani et al. 6,924,334, Cheung et al. 2005/0032959, Metzemacher et al. 2006/155035 or Compco Pty Ltd. WO 03/082966, in view of Hayashi et al. 5,889,087, Hayashi et al. 6,232,377, Kauch et al. 6,414,070 or Schall et al. 6,750,282.

4. Metzemacher et al. disclose intercalated nanoclays in claim 1, EPR in claim 12, EVA in claim 7, aluminum and magnesium hydroxides in claim 24 and their concentrations in the Examples. The other references have been discussed already. The rejections are maintained.

Response to Arguments

5. Applicant's arguments filed 8/11/06 have been fully considered but they are not persuasive. Fukui et al. reveal polypropylene, clay intercalated with polyamide and

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ethylene-alpha-olefin copolymer in claim 1. Ebrahimian et al. teach ethylene-propylene copolymer in claim 2. Fukutani et al. recite copolymers of ethylene with alpha-olefins in claim 3. Since claims 1, 4-12 and 14-16 are directed to a composition, the intended use of said composition is immaterial. Cheung et al. display nanoclays in paragraph 0009 and ethylene-alpha-olefin in claim 3. Since all polyolefins are crosslinkable Compco's polymers are the same as applicants'. Crosslinkable is not synonymous with crosslinked. The secondary references are cited to show the customary amounts of flame-retardants in polyolefin alloys and customary uses for polyolefin alloys. These secondary references do not have to show every aspect of the claimed invention (all of the ingredients or all of the amounts or all of the uses), they just have to supply the missing ingredient, quantity or use, to one of ordinary skill in the art; at the time the invention was made. This hypothetical person would look in other patents to find out what concentration levels other flame-retardants are used in similar formulations in order to optimize properties. It is well settled that it is a matter of obviousness for one of ordinary skill in the art to combine two or more materials when each is taught by the prior art to be useful for the same purpose. In re Kerkhoven, 205 USPQ 1069, 1072 (CCPA 1980). Kauch et al. indicate that a flame-resistant polyolefin alloy can be used for laminates. The rejections are maintained.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

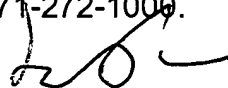
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Szekely whose telephone number is (571) 272-1124. The examiner can normally be reached on 7:00 a.m.-5:30 p.m. Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Peter Szekely
Primary Examiner
Art Unit 1714

P.S.
9/11/06